

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, PR

1 MIGDALIA AMALBERT GARCIA,
2 GLADYS AMALBERT GARCIA,
3 NORMA AMALBERT GARCIA in
4 substitution of
5 EDNA GARCIA COLON and
JOSE AMALBERT FIGUEROA

6 Plaintiffs,

7 v. CIVIL NO. 98-1478 (RLA)

8 KMArt CORPORATION & INSURANCE
9 CORPORATION ABC,

10 Defendants.

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12 **MINUTES AND ORDER OF SETTLEMENT CONFERENCE**
HELD ON FEBRUARY 22, 2000

13 The parties appeared before the undersigned in chambers for a
14 Settlement Conference on February 22, 2000 from 3:00 p.m. to 4:00
15 p.m. Attorneys JOSE A. LEON LANDRAU and NOEMI LANDRAU RIVERA
16 appeared on behalf of plaintiffs. EDUARDO VERA, ESQ., and ISABEL
17 GARCES CASTRO, ESQ., represented defendant, KMArt CORPORATION.
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Motion Requesting Extension of Discovery Period

20 The Court queried counsel for KMArt regarding its extremely
21 belated motion, filed scarcely an hour before this conference,
22 whereby it requests an extension of the discovery period and
23 postponement of the pretrial and trial settings. KMArt alleges that
24 it has not received MRS. EDNA GARCIA'S medical records from CENTRO
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(59) NO

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1 MEDICO and its medical expert has not had enough time to review the
2 very extensive medical records of decedent plaintiff in MAIMONIDES
3 MEDICAL CENTER in New York. The lack of a complete picture of MRS.
4 GARCIA's medical history as well as prior health conditions, KMART
5 counsel alleges, will place his client in a prejudiced position if it
6 is forced to go to trial as scheduled on March 16, 2000. Counsel for
7 plaintiffs, on the other hand, informed the court that they have had
8 a very difficult time obtaining documents from defendant related to
9 the ARPE permits and design specifications of the KMART stores,
10 despite the Court's orders to that effect, but, nevertheless, do not
11 favor postponement of trial. They also argued that the CENTRO MEDICO
12 records were provided to defendant as part of plaintiffs' answers to
13 interrogatories in October 1999 and that the MAIMONIDES MEDICAL
14 CENTER records were furnished to opposing counsel as far back as
15 November 23, 1999.

19 Having heard the arguments of the parties regarding this
20 controversy, IT IS HEREBY ORDERED that defendant's Motion Requesting
21 Extension of Discovery Period... (docket No. 58, filed on February
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22, 2000) is hereby DENIED.¹ TRIAL shall remain scheduled for **March 16, 2000, at 9:30 a.m.**

Settlement Discussions

The Court engaged counsel for the parties in settlement discussions, to no avail, since the parties were quite apart in their relative assessment of the value of the case. Nonetheless, the Court proposed a settlement figure to each side which counsel agreed to present to their respective clients for discussion.

Accordingly a FURTHER SETTLEMENT CONFERENCE is hereby scheduled for **March 1, 2000, at 4:00 p.m.**

IT IS SO ORDERED.

San Juan, Puerto Rico, this 14 day of February, 2000.

RAYMOND L. ACOSTA
United States District Judge

¹ See also Motion in Opposition to Defendant's Request for Extension..., filed by plaintiffs on February 22, 2000.